

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Broadcast Localism

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MB Docket No. 04-233

COMMENTS OF
NATIONAL ASSOCIATION OF BROADCASTERS
VINCENT F. HEUSER, JR.

Vincent F. Heuser, Jr.
Attorney at Law
3600 Goldsmith Lane
Louisville, KY 40220
(502) 458-5879

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COMMENT

Vincent F. Heuser, Jr., ("VFH") hereby submits his comments in response to the Commission's Report on Broadcast Localism and Notice of Proposed Rulemaking ("Notice" or "Localism Report"). VFH agrees with the statements in the Localism Report suggesting that radio and television broadcasters are out of touch with their communities and are failing to provide sufficient community-responsive programming.

Broadcasters agree that localism is a core value for both the radio and television over-the-air mediums. Since the inception of the service, broadcasting has been defined by localism. As has been argued by the NAB in earlier phases of this proceeding, broadcaster that do not strive to serve their local audiences will be left without an audience to serve. Viewers and listeners naturally migrate to those stations that provide news, informatio, and entertainment that directly impacts their lives. The current decline in the quality of programming and of the interest of the audience is the result of the Wal-Mart-ization of radio and television. Quality local and co-op programs have given way to infomercials and sleazy, shallow nationalized entertainment. Requiring a local transmitter to be accompanied by a local studio means that the local community has access to the broadcasting staff and public file and thus automatically creates a relationship to the local community. It is senseless that the public airwaves in a local community should be bundled and sold nationally like a commodity. The local airwaves are a public trust.

Any examination of the record in this and in other proceedings shows that centralized monopoly broadcasters minimize and ignore their obligation to serve the local public interest. These broadcasters offer a nationalized advertising and infomercials, nationalized sleazy entertainment unacceptable in many local communities, nationalized dumbed-down poor quality entertainment for children mislabeled as educational, and thus they fail to provide sufficient community service. Nationally centered broadcasters do not really participate in their local communities - they understand only the most general needs of their audiences and by nationalizing their profit base, they work to provide programming which address the most general needs. Indeed, serving the profit needs of the stockholder has become the cornerstone of the broadcasting business. Without local programming

and services, local broadcasting has lost viewers and listeners and allowed advertisers to profiteer on the local community when buying on a national basis. This is squeezing the lifeblood out of the local broadcast business, destroying even the possibility of localism in today's highly competitive media marketplace. The record contains no evidence that truly local programming and other services are widely available to viewers and listeners in each market.

In light of the record, the Commission has every factual or legal basis to reinstate the requirement of a local presence in the listening area and to restore the reasonable regulations that the agency liberalized at the insistence of lobbyists and conglomerate builders in the 1980s. Today, with the media market changing rapidly and fresh competition from multiple digital sources increasing continuously, there is every reason to localize the electronic broadcast media to return the local airwaves to their proper beneficiaries, the local community. The local studio proposal in the Notice would restore local broadcasters' abilities to serve their local communities by reversing the current remote exploitation of the local spectrum. Overturning Commission's decisions on the rules regarding main studio, for example, would reduce the monopolization of the spectrum and benefit the truly local broadcasters. Small broadcasters and stations and those in more rural areas, in particular, would be most helped in their ability to serve their local audiences by shifting focus, and revenue, back to local needs. The inflexible, one-size-fits-all approach used by broadcasting monopolies, fails to consider the vast differences between the communities that broadcasters serve. What may be appropriate for a radio station in Portland, Maine may not be appropriate for a radio station in Portland, Oregon. Yet the same programs are aired in both places when the monopolies centralize their operations.

Requiring all broadcast stations in the country to form community boards for the purpose of ascertaining the needs and interests of their communities is, on the other hand, an impractical solution, especially where local studio and operator requirements alone will level the playing field. Local operation requirements will enhance community service without calling in to question the agency's statutory authority to adopt regulations affecting program content without express congressional directive. Any such regulations of the content aired on broadcast stations may raise First Amendment concerns. Proposed content-based license renewal processing "guidelines," which were eliminated as an unnecessary and burdensome in the 1980s, would operate as *de facto* programming quotas that would infringe upon broadcasters' editorial discretion and interfere with the rights

of viewers and listeners. Basing radio stations' license renewals, at least in part, on mandatorily-supplied data about their compilation of playlists and their airing of particular content is burdensome and ineffective. Local studio requirements will automatically ease the tendency to ignore the local community.

In sum, the proposed rule changes, at least as regards studio and local operation rules, will produce the desired effect enabling the local broadcasting media to better serve the local public interest and instead of achieving the Commission's stated goal of promoting closer contact between broadcasters and their communities, and in light of increasing service to national markets made possible by technological developments, the undersigned urges the FCC to act to return localism to the broadcast spectrum by requiring a local studio.